



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF SOLID AND HAZARDOUS MATERIALS • BUREAU OF PESTICIDES MANAGEMENT  
www.dec.state.ny.us

☒ NOTICE OF INSPECTION ☐ USE/MISUSE INSPECTION

INSPECTION # 07221040601	DATE 7/22/2010	TIME 7:30 AM	REGION 5
NAME OF INDIVIDUAL MARK C. LIEBIG		TITLE OWNER	
NAME OF FIRM (Note if corporation, partnership, dba, etc.) <del>LEE</del> STRAWBERRY RIDGE			
ADDRESS - This is the address of the: <input checked="" type="checkbox"/> INSPECTION SITE <input type="checkbox"/> FIRM <input type="checkbox"/> INDIVIDUAL 66 MIDDLETON ROAD (Rt 28 P.O. Box 22 NORTH GRANVILLE, NY 12854)			
CITY / VILLAGE GRANVILLE		STATE NY	ZIP 12852
TOWNSHIP GRANVILLE	COUNTY WARREN	PHONE 518-642-1385	

REASON FOR INSPECTION

- ☐ For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, samples of any containers or labeling for such pesticides or devices in places where pesticides or devices are produced, or held for distribution or sale.
- ☒ For the purpose of inspecting and obtaining samples of mandated records.
- ☒ For the purpose of inspecting the use of pesticides and sampling pesticides in use to determine if they are being used in compliance with appropriate laws and rules and regulations.
- ☒ For the purpose of inspecting sites where pesticides are being used to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with appropriate laws and rules and regulations.
- ☒ Other EPA WORKER PROTECTION

VIOLATION SUSPECTED NONE

CONSENT USE/MISUSE

Voluntary Consent Necessary to Enter for Inspection and/or Sampling.

☒ The undersigned hereby voluntarily consents to an inspection of PREMISES of which I am the owner, Agent, or Person in Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of Article 32 and Section 15-0313 of the Environmental Conservation law relating to pesticides. I understand that I have the right to refuse consent to this entry.

SIGNATURE Mark Liebig	TITLE owner	DATE 7/22/10
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This inspection is being performed under authority granted by Article 33 and Section 15-0313 of Article 15 of the Environmental Conservation law relating to pesticides and the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136 et seq.).

INSPECTOR INFORMATION

NAME BRIAN A. PRINZAU	Pesticide Control SPCL 1	ID NUMBER 4106	PHONE NUMBER 518-623-1267
SIGNATURE [Signature]	OFFICE LOCATION 232 GOLF COURSE WARREN, NY 12885	ACCOMPANIED BY /	

Mark Liebig  
July 28, 2010  
Page 2.

If you have any questions about this notice or should you wish to discuss this matter further, please  
contact me at (518) 623-1200.

Sincerely,

John W. Bennett  
Pesticide Control Specialist 2

JWB



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# INSPECTION REPORT COVER SHEET

Inspection # <b>07221040601</b>	Name of Person Contacted: <b>MARK LEEBEG</b>
Name of Business: <b>STRAWBERRY RIDGE</b>	Official Position: <b>OWNER</b>
Street Address: <b>66 MIDDLETON RD</b>	Post Office Address: <b>P.O. Box 26 NORTH GRANVILLE NY 12854</b>
City/State/Zip Code: <b>GRANVILLE NY 12852</b>	City/Village/Township: <b>GRANVILLE</b>
Telephone Number: <b>518 642-1385</b>	County: <b>WASHINGTON</b>

Inspector's Initials	Name of Inspection Form	Form Number
<b>TAP</b>	Notice of Inspection	NOI
<b>BAP</b>	Pesticide Applicator/Business/Use Inspections	USE
<b>BAP</b>	Worker Protection Standard Inspection	WPS
	Liquid Termiticide Use Checklist	TER
	Ornamental and Turf Checklist	T&O
	Voluntary Statement	VOL
	Receipt for Samples	SAM
	Market Place/Restricted Dealers Records Inspection	MKT
	Market Place/Restricted Dealer Records Inspection Continuation Sheet	MPC
	Quarantine Order	QRN
	Quarantine Order Release	QOR
	Experimental Use Permit Checklist	EUP
	Authorization for Medical Record Disclosure	MED
<b>BAP</b>	<b>PESTICIDE RESERVE SHEET, EPA WPS DISK</b>	

Inspector's Signature: **[Signature]** Number: **406** Date: **7/22/2010**

Inspection Acknowledgment: I acknowledge receiving a copy of the above listed inspection documents initialed by the inspector

Signature: **[Signature]** Date: **7/22/10**  
Print Name: **MARK LEEBEG**

## PESTICIDE APPLICATOR/BUSINESS/USE INSPECTIONS

FIRM/FACILITY/PERSON INTERVIEWED STRAWBERRY RTYPE		INSPECTION NUMBER C7221040601		EQUIPMENT TYPE/SIZE ROCK SPREADER 300g							
SITE OF INSPECTION 66 MIDDLETON ROAD GRANVILLE NY, 12832		TYPE OF INSPECTION: <input checked="" type="checkbox"/> Applicator <input type="checkbox"/> Business/Agency <input type="checkbox"/> Non-agricultural use <input checked="" type="checkbox"/> Agricultural use		HAND TANK (1/2 gal)							
BUSINESS REG. NO./EXPIRATION DATE N/A		INSURANCE COMPANY/EXPIRATION DATE N/A									
APPLICATOR NAME/CERTIFICATION TYPE MARK LIEBER / PRIVATE		CERTIFICATION ID PS863834	CATEGORY/EXPIRATION 22; 5/21/2012	SUPERVISED BY N/A							
DATE/TIME/WEATHER CONDITIONS DURING APPLICATION (1) 7/19/2010 (2) 5/26/2010		CROP (1) STRAWBERRIES (2) PUMPKINS	SITE SIZE (1) 2 ACRES (2) 3 ACRES	TARGET PESTS (1) GRASS (2) WEEDS (Prevent)							
PESTICIDE NAME/EPA REG NO. INTENSITY 1 / 34704-976 DUAL II MAGNUM / 100-818		METHOD OF APPLICATION BROADCAST BROADCAST	CLASSIFICATION RUP RUP	FORMULATION LIQUID LIQUID	LABEL RATE 9-16oz/acre NO RATE FOR R-TX						
					OBSERVED RATE 12oz/acre 1pt/acre						
LABEL/EQUIPMENT REQUIREMENTS		REFERENCE SECTION	Yes	No	NA	APPLICATOR REQUIREMENTS		REFERENCE SECTION	Yes	No	NA
Label Rate Followed		TBD	325.2(b)	1		Apprentices Properly Supervised		325.7(d)			✓
Target Pests on Label		TBD	325.2(b)	1		Apprentices Trained/Documented		325.10(a)			✓
PPE/Cautionsary Labeling Followed		TBD	325.2(b)	1		Apprentice Variance Approved		325.10(b)			✓
Preharvest Interval/REI per Label		TBD	325.2(b)	1		I. D. Card in Possession During Use		325.7(a)	✓		
Crop/Area Treated per Label		TBD	325.2(b)	1	2	Label in Possession During Use		325.2(d)	✓		
Pesticide Containers Properly Labeled		33.1301(1)(b)		✓		Notification Requirements Met		33-0905(5)			✓
Service Containers Properly Labeled		33.1301(1)(b)		✓		REPORTS/RECORDS		33-1205(1)	Yes	No	NA
Containers Properly Rinsed and Disposed		325.4(a)		✓		EPA Reg. No.			✓		
Backflow Prevention/Air Gap Present		325.2(c)		✓		Product Name			✓		
Proper Stickers on Equipment/Vehicles		325.26			✓	Quantity			✓		
Equipment Properly Calibrated				✓		Date Applied			✓		
Storage Locked/Containers Secure				✓		Address			✓		
Warning Signs Posted				✓		Place of Application			✓		
Location of Container Disposal: LANDFILL / RECYCLED						Dosage Rate			✓		
Location of Pesticide Storage: GENERAL STORAGE BARN (IN GARAGE)						Method of Application: BROADCAST			✓		
Water Source: WELL						Target Organism/Crop Treated			✓		
Pesticide Mixing Area: VARIOUS						Records Kept 3 Years			✓		
REMARKS GPS OUT OF VT TBD: TO BE DETERMINED											
INSPECTOR'S SIGNATURE [Signature]											
DATE AND TIME INSPECTED 7/21/2010 8:52 AM PREVIOUS											

MARL C. LIEBIG

1506383-1

CAT 22

5/21/2012

NYS Department of Environmental Conservation URPCEP CHECKLIST To be used with NAUO, CAR, and RDR inspections							
Inspector Type	Question/Action		Y	N	N/A	Remarks	
ALL *	1. Opening conference		✓				
	2. Inspection of pesticide storage area		✓				
	a	Any pesticides on hand that seem inappropriate for establishment or site?		✓			
	b	Are there supplies of clean household containers that could be filled with pesticides and left with customer/tenants?		✓			
	c	Any pesticides in unlabeled packaging or "household" packaging?		✓			
	d	Are restricted use pesticides in storage?	✓				
	e	Are there security measures in place to prevent unauthorized entrance and use of pesticides?	✓				
	f	Have any pesticides been stolen/pilfered from inventory - particularly RU or agricultural ones?		✓			
CAR	1. All CAR inspections - conduct review of Applicator records.		✓				
	a Structural Related:	Any structural applications of seemingly inappropriate pesticides?		✓			
	b Agricultural Related:	Has methyl parathion been used in the last year?	✓				
		Any discrepancies between amount of RU pesticides purchased and applied, or undocumented returns?	✓				
RDR	1. Is this establishment engaged in the retail sale of methyl parathion?			✓			
	2. Do purchasers produce a commodity on which the pesticide is used?						
	a	Have all sales of RUPs been made to either:	A person who is certified to use it?				
		An individual under the direct supervision of a currently certified applicator authorized to use the product?					
	3. Have there been sales of methyl parathion EC in the past two years?						
	a	What methyl parathion products in particular does the dealer sell?					
	b	What crops are the products used on?					
	4. If this is not a methyl parathion emulsifiable concentrate dealer, have any of the other ag pesticides referenced in attachment "5A" of URPCEP Protocol been sold for the past few years?						
	a	If not, have any other agricultural pesticides, particularly RU ones, been sold?					
	5. Does the dealer conduct audits of its pesticide inventory? How often?						
	6. Has there ever been an unexplained discrepancy between the amount of methyl parathion or other ag use pesticide in inventory and amount that inventory records indicate should be there?						
	a	What was the pesticide?					
	b	Was the discrepancy resolved as 1) bookkeeping error? or 2) was theft suspected?					
	7. Has methyl parathion or any RU agricultural pesticide been stolen from inventory? If yes, document particulars (i.e., person's name, the intended use of pesticide) and ask for a copy of any police report, report to the insurance company or other information relating to the theft.				✓		
ALL *	3. Closing conference						

When only conducting an NAUO inspection, these blocks of questions/actions are the only ones that need to be covered

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# WORKER PROTECTION STANDARD INSPECTION

Inspection # <u>C722104661</u>	Date <u>7/22/2010</u>	Inspection <u>Unannounced</u> <input checked="" type="checkbox"/> Appointment
Farm Name <u>STRAWBERRY RIDGE</u>	Inspection Type: Tier I <u>or</u> Tier II <input checked="" type="checkbox"/>	
Type of Establishment: (check all applicable) <input checked="" type="checkbox"/> Farm <input type="checkbox"/> Greenhouse <input type="checkbox"/> Nursery <input type="checkbox"/> Family establishment <input type="checkbox"/> Research <input type="checkbox"/> Forest		
Approx. total area of establishment: <u>17 ACRES</u>	Principal crops: <u>STRAWBERRIES / RASPBERRIES</u>	
# of certified applicators with establishment: <u>1</u>	Name of person(s) directing/controlling pesticide use: <u>MARK LEBERG</u>	
Who applies pesticides? (check all applicable): <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Employee <input type="checkbox"/> Custom Applicator		
Note: For data in this block, estimates provided by the establishment are sufficient.		
# present at this inspection:	workers	handlers
		<u>1</u> <sup>OWNER</sup>
# of permanent employees: <u>4</u>	workers	handlers
		<u>Family</u>
1. # present during last pesticide application:	workers	handlers
2. or for the last 30 days: (circle one)	<u>0</u>	<u>1</u>
		<u>2010-2009-3 people (family)</u>
		# of seasonal employees:

## INFORMATION AT A CENTRAL LOCATION

40 CFR 170.122/135

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- ☒ NA ☒ N Is the approved SAFETY POSTER displayed? 23  
☒ NA ☒ N Is EMERGENCY MEDICAL INFORMATION displayed? (name, address & telephone number) 24  
☒ NA ☒ N Is the site LOCATED where it can be readily seen and read by workers & handlers? 24  
☒ NA ☒ N Are workers & handlers INFORMED of the location and are they allowed ACCESS to the site? 24  
☒ NA ☒ N Does the information remain LEGIBLE while posted? 24  
☒ NA ☒ N Is the following APPLICATION INFORMATION displayed? Location and Description of the treated area; Product 23  
 Name; EPA REG #; Active Ingredient(s) of the pesticide; Time & Date of application; REI (restricted entry interval)

Comments (explain NA)

## PESTICIDE EXPOSURE INCIDENTS/EMERGENCY ASSISTANCE

40 CFR 170.160

- How are incidents reported for employees who become sick/injured by pesticides?
- ☒ NA ☒ Y ☒ N Is prompt transportation to emergency medical facility available for employees who become sick/injured by pesticides? 36  
☒ NA ☒ Y ☒ N Is information provided to medical personnel regarding the pesticide to which employees may have been exposed? 36

Who is the person responsible for providing transportation and pesticide information?  
☒ Y ☒ N Have there been any pesticide exposure incidents on this farm? If yes, give details:

Comments (explain NA): FAMILY EST

## EMPLOYER CUSTOM APPLICATOR INFORMATION EXCHANGE

☒ NA (no custom applications) 40 CFR 170.124 & 170.224

- ☒ NA ☒ Y ☒ N Does the ag establishment notify the custom applicator regarding the location of treated areas and REIs? 34  
☒ NA ☒ Y ☒ N Does custom applicator notify the ag establishment of required application information before the application? 33

How is the information exchanged? When with whom?

AL

Inspection # 072210-06001

# PESTICIDE SAFETY TRAINING ASSURANCE

40 CFR 170.130

How to Comply Manual

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## WORKERS: (Applies to workers who are NOT certified applicators or trained handlers)

NA	Y	N	Does Ag Employer ASSURE that <u>workers</u> have been trained within the last five years?	25
NA	Y	N	Does Ag Employer ASSURE that <u>workers</u> have been trained <i>before EARLY ENTRY activities</i> during an REI?	25
NA	Y	N	Is the Ag Employer able to VERIFY that the required PESTICIDE SAFETY INFORMATION was provided to workers <i>before entry into any area on an ag establishment where WPS pesticides have been applied within the last 30 days</i> ?	26
NA	Y	N	Does Ag Employer ASSURE that <u>workers</u> have received the required ADDITIONAL TRAINING <i>before the each day of entry into any area on an ag establishment where WPS pesticides have been applied within the last 30 days</i> ?	

## HANDLERS: (Applies to handlers who are NOT certified applicators or certified crop advisers)

40 CFR 170.230

NA	Y	N	Does Ag Employer ASSURE that <u>handlers</u> have been trained within the last five years?	25/26
NA	Y	N	Does Ag Employer ASSURE that <u>handlers</u> have been trained <i>before performing any handling task</i> ?	25/26

How is training verified for both workers and handlers?

Comments (explain NA): No workers in 2010

# PESTICIDE SAFETY TRAINING PROGRAM NA (if workers trained elsewhere)

40 CFR 170.130/230

NA	Y	N	WORKERS & HANDLERS: Is the information presented in a manner that the workers & handlers can understand (such as through a translator & using nontechnical terms & presenter answers questions)?	27
NA	Y	N	WORKERS: Does the PESTICIDE SAFETY INFORMATION meet the criteria listed in 170.130(c)?	26
NA	Y	N	WORKERS: Does the content of the ADDITIONAL TRAINING materials meet the criteria listed in 170.130(d)(4)?	103
NA	Y	N	Is trainer qualified to train WORKERS? (certified applicator or authorized by DEC)	26
NA	Y	N	HANDLERS: Does the content of the training materials meet the criteria listed in 170.230(c)(4)?	104
NA	Y	N	Is the trainer qualified to train HANDLERS? (certified applicator or authorized by DEC)	26

Who trains workers/handlers?

When how often?

Comments (explain NA):

# DECONTAMINATION SITES

The employer must adhere to the following decontamination requirements for WORKERS and HANDLERS: 40 CFR 170.112/150/250

NA	✓	N	Do decontamination sites have soap, single-use towels, and enough water for washing & emergency eye flushing?	29-31
NA	✓	N	Is the decontamination water of a quality & temperature as required?	29
NA	✓	N	Is one pint of eye flush water immediately available to <u>handlers</u> using pesticides requiring protective eye wear and to <u>early entry workers</u> when working in areas treated with pesticides requiring protective eye wear for early entry?	31/68
NA	✓	N	Is the decontamination site within 1/4 mile of the work site and out of areas being treated or under REI?	30/31
NA	✓	N	Are decontamination sites provided for <u>workers</u> entering treated areas until 30 days following expiration of the REI? (Exception: Pesticides with a four-hour REI require decontamination site for only seven days.)	29
NA	✓	N	Are decontamination sites provided for <u>early entry workers</u> during and after early entry?	67/68

The employer must adhere to the following decontamination requirements for HANDLERS

40 CFR 170.250

NA	Y	N	Is enough water provided to <u>handlers</u> for washing the entire body in case of an emergency?	30
NA	Y	N	Is one clean change of clothing provided to <u>handlers</u> for use in an emergency?	30
NA	Y	N	Are decontamination supplies located at the mix load site?	30/31
NA	Y	N	Are decontamination supplies for PILOTS kept in the airplane or at the aircraft loading site?	30
NA	Y	N	Are handler decontamination supplies kept out of treated areas unless they are in enclosed containers?	31
NA	Y	N	Are decontamination supplies located where handlers remove PPE for washing thoroughly after handling activities?	31

Comments (explain NA):

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## ADDITIONAL DUTIES FOR WORKER EMPLOYERS

40 CFR 170.110

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### RESTRICTIONS DURING APPLICATIONS

- NA ☒ Y ☐ N Are workers prohibited in treated areas during application and until REIs have expired? 45
- NA ☒ Y ☐ N Are workers prohibited in treated areas plus the additional buffer area during application in NURSERY'S? 51-52
- NA ☒ Y ☐ N Are workers prohibited in a GREENHOUSE during application and until ventilation criteria are met? 53-55

### NOTICE OF APPLICATIONS TO WORKERS

40 CFR 170.120

- NA ☒ Y ☐ N Are all GREENHOUSE applications posted with WPS warning signs? 42
- NA ☒ Y ☐ N Are workers given BOTH oral and posted notification when required by the pesticide label? 41-44
- NA ☒ Y ☐ N Are workers given notification of applications if EITHER orally or posted (or other applications)? 41-44
- NA ☒ Y ☐ N Are workers told which method will be routinely used at this firm (oral or posted notification)? - circle one 41

### Who notifies workers?

- NA ☒ Y ☐ N Have any early entry activities occurred?
- NA ☒ Y ☐ N Were workers informed of label restrictions re. early entry?

### Posted Warning Signs

NA for all

- NA ☒ Y ☐ N Does the employer use the approved WPS warning signs for posted notification? 42-43
- NA ☒ Y ☐ N Are the signs posted at all entrances of worker entry to the treated area? 42
- NA ☒ Y ☐ N Are the signs put up no sooner than 24 hours prior to application? 43
- NA ☒ Y ☐ N Are the signs removed within three days after the end of the REI? 43
- NA ☒ Y ☐ N Are the signs posted along the border of any labor camp adjacent to the treated area? 42

### Oral Warnings

NA for all

- NA ☒ Y ☐ N Are oral warnings given in a language (s) understood by workers? 44
- NA ☒ Y ☐ N Do oral warnings include: 1) location & description of treated area; 2) REI; 3) instructions not to enter during the REI? 44

Comments (explain NA):

## ADDITIONAL DUTIES FOR HANDLER EMPLOYERS

### APPLICATION RESTRICTIONS & MONITORING

NA if no handlers employed 40 CFR 170.210

- NA ☒ Y ☐ N \*Do both the employer & the handler assure that no pesticide is applied (either directly or through drift) so as to contact anyone other than trained and PPE-equipped handlers? 73
- How is this verified? VISUAL; NO APP. DURING DRIFT
- NA ☒ Y ☐ N Are handlers monitored visually or by voice every two hours when handling SKULL & CROSSBONES pesticides? 73
- NA ☒ Y ☐ N Does the handler have a continuous visual or voice contact with another trained and PPE-equipped handler when handling a FUMIGANT in a GREENHOUSE? 73-74

### SPECIFIC INSTRUCTIONS FOR HANDLERS

NA if no handlers employed 40 CFR 170.232

- NA ☒ Y ☐ N Does the employer assure that handlers read the label or are informed (in a manner they can understand) about the label requirements for safe use before performing any handling activity? 75
- NA ☒ Y ☐ N Does the handler have access to the product labeling during handling activities? 75

### SAFE OPERATION OF EQUIPMENT

NA if no handlers employed 40 CFR 170.234

- NA ☒ Y ☐ N Is the handler instructed in the safe operation of handling equipment before it is used? By whom? 75
- NA ☒ Y ☐ N Is handling equipment inspected and repaired before each day of use? 77
- NA ☒ Y ☐ N Does the employer assure that only trained and PPE-equipped handlers repair, clean or adjust any handling equipment that contains pesticides or pesticide residues? 77

Comments (explain NA):



**PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS FOR HANDLERS-EARLY ENTRY WORKERS**

40 CFR 170.112-240

- NA ☒ Y ☒ N ☒ Does the employer provide the handler ~~early entry~~ workers with the appropriate PPE in clean and operating condition? 70
- NA ☒ Y ☒ N ☒ Does the employer assure that instructions on use and cleaning of PPE are given and that it is worn and used correctly? 70
- Who gives instructions and assures use of PPE?
- NA ☒ Y ☒ N ☒ Does the employer assure that PPE is properly cleaned, stored properly & repaired or replaced before each day of use? 70
- NA ☒ Y ☒ N ☒ Does the employer assure that filters are replaced on respirators when required? 70
- NA ☒ Y ☒ N ☒ Do handlers early entry workers have at least one extra set of personal clothing, put on PPE and remove PPE after use? 70
- Where is it located?
- NA ☒ Y ☒ N ☒ Is contaminated PPE disposed of properly? 70
- NA ☒ Y ☒ N ☒ Does the employer take appropriate measures to prevent heat-related illness for handlers early entry workers using PPE? 70
- NA ☒ Y ☒ N ☒ Have handlers refused to wear proper PPE?

From labels of agricultural pesticides documented in an accompanying AFO inspection, list the following (for up to 4 products):

	Product Name	RFI	PPI
1	INTENSITY	24	Coveralls, shirt, pants, gloves, chem resistant footwear, eyewear.
2	DUAL II MACHIN	24	Coveralls, chem resistant gloves, shoes plus sock.
3			
4			

If the label for any of the above products does not include agricultural use requirements - state so above

Comments (explain NAs)

**WORKER AND HANDLER INTERVIEWS**

- Y ☒ N ☒ Were any workers or handlers interviewed? (check "N" if none; if no, then they explain why an interview was not conducted)

**FAMILY ESTABLISHMENTS**

2010

40 CFR 170.104, 110, 112, 124, 224/240

- NA ☒ Y ☒ N ☒ Are employees only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, sisters? 91
- If NO, skip this section
- NA ☒ Y ☒ N ☒ Are non-handlers prohibited in treated areas during application and until RFI's have expired? 92
- NA ☒ Y ☒ N ☒ Are non-handlers prohibited in treated areas plus the additional buffer area during application in NO RFI's? 92
- NA ☒ Y ☒ N ☒ Are non-handlers prohibited in a GFI ENHOL SI during application and until ventilation criteria are met? 92
- NA ☒ Y ☒ N ☒ Are early entry workers prohibited in treated areas during the first four hours after application? 93
- NA ☒ Y ☒ N ☒ Are early entry workers limited to one hour of work in a 24 hour period in treated areas during the RFI? 93
- NA ☒ Y ☒ N ☒ Are early entry workers who perform irrigation and limited contact activities limited to eight hours of work in a 24-hour period? 93
- NA ☒ Y ☒ N ☒ Is the correct PPE for early entry PROVIDED for early entry activities at this firm? 93
- NA ☒ Y ☒ N ☒ Does the handler at this firm wear the label-specified PPE during handling tasks? 92
- NA ☒ Y ☒ N ☒ Is the label specified PPE for handling activities at this firm PROVIDED in clean and operating condition? 92
- NA ☒ Y ☒ N ☒ Does this establishment notify commercial handlers regarding location of treated areas and RFIs on the establishment? 92
- NA ☒ Y ☒ N ☒ Do commercial handlers notify this establishment of required application information before application takes place? 92

Comments (explain NAs)

Additional Comments

Print name of inspector <b>BRIAN A. PERMAN</b>	Print name of person interviewed <b>MARK LIEBLER</b>
Signature of inspector <b>[Signature]</b>	Signature of person interviewed <b>[Signature]</b>

<b>Inspection No.</b>	07221040601
<b>Applicator</b>	Mark Liebig Strawberry Ridge 66 Middleton Road Granville, NY 12832
<b>Date of Inspection</b>	07-22-2010
<b>Date of Report</b>	07-26-2010

### SPECIALIST'S NARRATIVE

On July 22, 2010 scheduled certified applicator records and agricultural use inspections were conducted at the above farm. Discussion was held with Mr. Mark Liebig (Pesticide Applicator & Farm Owner).

I presented my credentials, explained the inspection process and issued a Notice of Inspection (NOI). Mr. Liebig signed the NOI and provided the following information: about 17 acres are currently in production; WPS workers had been employed in 2009; he does not foresee the need for WPS workers this year due to crop damage which occurred this spring and Mr. Liebig (P5863834; Cat. 22; Exp. 05/21/2012) is the only certified pesticide applicator on the farm.

Mr. Liebig's pesticide application records were inspected and appear to have been properly kept. Two of Mr. Liebig's pesticide applications were inspected. On July 19, 2010 Mr. Liebig applied Intensity 1 (EPA Reg. No. 34704-976) at 12 ounces per acre to 7 acres of strawberries to control grass. On May 26, 2010 Mr. Liebig applied Dual II Magnum (EPA Reg. No. 100-818) at 1 pint per acre to three acres to control weeds prior to planting pumpkins.

The pesticide storage area was inspected. Pesticides are currently stored in a locked cabinet in the general storage barn. The Urban and Residential Pesticide Control and Enforcement Program was discussed with Mr. Liebig and an URPEP checklist was completed.

An EPA Worker Protection Standard (WPS) Tier II inspection of the above firm was conducted. At the time of the inspection this farm appeared to be a family establishment and no EPA WPS violations were noted.

All aspects of the Bureau of Pesticide Management laws, rules and regulations which pertain to Strawberry Ridge were discussed with Mr. Liebig and by the close of the inspection Mr. Liebig had received copies of all forms initialed on the Inspection Report Cover Sheet [ICS (07/03)].

On July 26, 2010 I downloaded the New York State stamped accepted Dual II Magnum label and compared the information provided by Mr. Liebig to the stamped accepted label. Pumpkins are not listed on the Dual II Magnum label. I was not able to find any other labeling (Special Local Needs or Section 18) that allows for the use of Dual II Magnum on pumpkins. It should be noted that Dual

**New York State Department of Environmental Conservation**  
**Division of Solid & Hazardous Materials, Region 5**  
**Bureau of Pesticides Management**  
232 Golf Course Road, Warrensburg, New York 12885  
**Phone:** (518) 623-1200 • **Fax:** (518) 623-1311  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

July 28, 2010

Mr. Mark Liebig  
Strawberry Ridge  
P.O. Box 26  
North Granville, NY 12854

**Re: Strawberry Ridge  
Granville (T), Washington (Co.)**

Dear Mr. Liebig:

On July 22, 2010, pesticide staff inspected the use of pesticides at Strawberry Ridge located in the Town of Granville, Washington County. As a result of this inspection, the following issue was identified:

1. Your May 26, 2010 application of Dual II Magnum (EPA Reg. No. 100-818) to a 3 acre pumpkin field was inspected. Although Dual Magnum (EPA Reg. No. 100-816) is labeled for weed control in pumpkin fields, Dual II Magnum is not.

ECL 33-0725 states: "A pesticide shall be used in accordance with its labeling. Unless the labeling specifically prohibits such use, a pesticide registered for use in New York may be used for agricultural purposes only in a dosage, concentration or frequency less than that specified on the labeling."

6 NYCRR 325.2(b) states: "Registered pesticides are to be used only in accordance with label and labeling directions or as modified or expanded and approved by the department."

At the close of the inspection, Pesticide Control Specialist I Brian Primeau provided you with a pesticide resource sheet and a CD containing information on the Worker Protection Standard.

Please confirm in writing, within **30 days** of receipt of this letter, that those above referenced compliance issues have been corrected and/or what steps will be taken to correct the findings and include supporting documentation. This confirmation should be addressed to:

NYS Department of Environmental Conservation  
Attention: Mr. John W. Bennett  
Pesticide Management - Region 5  
232 Golf Course Road  
Warrensburg, NY 12885

NYS Dept. of Environmental Conservation  
Pesticide Management - Region 5  
232  
Golf Course Rd.  
Warrensburg, NY 12885

Dear Mr. Bennett:

In response to your letter of 7/28/10, there was never any intent to use any product inconsistently in regard to it's labeling. I had found a recommendation for Dual Magnum online at [www.nevegetable.org/index.php/crops/pumpkin-squash-and-gourds?start=2](http://www.nevegetable.org/index.php/crops/pumpkin-squash-and-gourds?start=2), because of that recommendation I placed an order for Dual Magnum from my supplier. It did not occur to me when it arrived and at the time of application that the product I was using was not the same one I had ordered after researching online. Plain and simple, I made a mistake.

I do understand that as the applicator I have the final responsibility to insure that all products are used according to their labeling. In this case my mistake was made all that much easier by a manufacturer that could do a better job of naming it's products and a supplier who shipped a product that was not the one ordered.

I can assure you that I will now make it my standard operating procedure to read and follow all the labeling that comes with all products.

Sincerely,



Mark Liebig

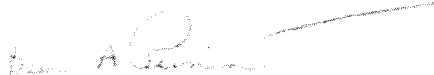
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Magnum (EPA Reg. No. 100-816) is currently registered for use on pumpkins at 1.0 - 1.32 pints per acre.

On July 26, 2010 I called Mr. Liebig and left a message requesting an explanation as to why he opted to use Dual II Magnum on May 26, 2010.

This case will be referred for enforcement action.

  
Brian A. Primeau  
Pesticide Control Specialist I  
Region 5

